
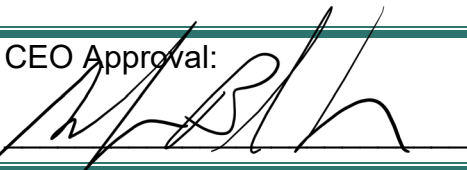


Policy Title: Network Complaints and Grievances		
Department: Compliance		
Date Issued: 02/07/2012	Revised Date: 12/07/2021 Review Date: 03/11/2024	
CEO Approval: 	Effective Date: _____9/22/2024_____	

POLICY:

It is the policy of Central Florida Cares Health System, Inc. (CFCHS) to provide appropriate mechanisms for the submission, timely review, and resolution of complaints and/or grievances ensuring that complaints and grievances will not result in retaliation or barriers to services.

RELATED POLICIES:

- Accessibility Cultural Diversity and Auxiliary Aids Plan
- Subcontractor Dispute Resolution
- Compliance Program- Fraud, Waste, and Abuse (FWA) Plan
- Secret Shopper
- CFCHS' Compliance Line
- Records Archiving and Destruction

REFERENCES: CFCHS' Complaint/Grievance Form

PURPOSE:

This policy establishes uniform practices for handling complaints and grievances made by CFCHS' funded persons served receiving services through CFCHS' network system of care, as well as guidelines for handling complaints or grievances from persons served with different funding sources.

PROCEDURES:

Subcontractor Review

1. CFCHS' Subcontractors shall designate an employee as the point of contact for complaints and grievances. A back-up designee shall also be identified in the event the point of contact is not available. The parties involved in the complaint or grievance process must explore all reasonable options to bring a positive resolution to the issue without causing unnecessary burden, expenses, or negative consequences to the system of care.
2. When receiving a complaint or grievance about the network Subcontractors, CFCHS' Risk Manager (RM), or designee will:
 - Find out if the complaint involves an employee or facilities.
 - Attempt to determine if the person served has a funding source other than CFCHS.

- If the person served has other funding sources (e.g., Medicaid, private insurance, Tri-Care, etc.) and the complaint involves an employee or facilities, then CFCHS will follow up since the issue may affect CFCHS' funded persons served.
 - If the complaint does not involve an employee or facilities and the person served is not funded by CFCHS, the RM, or designee, will provide information about other agencies/funder that may have authority to look into the complaint the RM, or designee, will also offer to contact the Subcontractor and ask that a representative contact the complainant for assistance. Due to HIPAA and confidentiality laws, CFCHS does not have authority to request information that divulges protected health information (PHI) of a non-funded person served. If applicable, the RM will also alert the Central Region Florida Department of Children and Families Substance Abuse and Mental Health (Department SAMH) office so they may assist as appropriate.
3. Complaints or grievances may be accepted verbally or in writing.
 4. Clinically appropriate services must continue throughout the complaint and/or grievance process, and none of CFCHS' service Subcontractors should take any discriminatory action against an individual because he/she filed a complaint or grievance.
 5. When a complaint or grievance is received by CFCHS, the RM or designee will contact the individual within two (2) business days and determine whether the complainant has attempted to resolve the issue through the Subcontractor's complaint or grievance process. If not, then the RM or designee encourages the use of this avenue prior to using CFCHS' complaint or grievance process.
 6. The RM, or designee, notifies the Subcontractor of the complaint or grievance within two (2) business days. The Subcontractor must notify the complainant of their rights to follow up their complaint or grievance with CFCHS should the resolution at the Subcontractor level be unacceptable.
 7. All Subcontractors are required to provide to its employees and to CFCHS' funded persons served the CFCHS contact information for complaints and grievances which includes:
 - CFCHS' Compliance Line for reporting Fraud, Waste, Abuse (FWA), or other Compliance issues at 844-302-0433,
 - Or electronically at <http://centralfloridacares.ethicspoint.com> or CentralFloridaCares.org
 8. A complaint or grievance that involves suspected FWA shall be handled as specified in CFCHS' Fraud, Waste and Abuse Protocol. Proper notifications shall be made to the Florida Department of Children and Families (Department) via incident reporting as specified in Florida Department of Children and Families Operating Procedure (CFOP) 215-6 and to the Office of the Inspector General (OIG) as required by CFOP 180-4 at IG.Complaints@myflfamilies.com or via the Department OIG website.
 9. The Subcontractor shall establish contact with the complainant as soon as possible and submit a written report to CFCHS within seven (7) business days of receiving the

complaint. For this purpose, Subcontractor can use CFCHS' Complaint and Grievance Form and document their investigation on the "Actions taken by Provider" section or submit their own form.

10. A response must be given to the complainant within one (1) business day of disposition.
11. If additional time is needed to conduct the investigation, the Subcontractor will notify CFCHS and the complainant of how much time will be needed to bring the complaint to a resolution. If the complainant is not satisfied with the Subcontractor's resolution and there may be other reasonable options, the RM or designee will have seven (7) business days from Subcontractor disposition to investigate the complaint and offer an alternate resolution.

CFCHS Investigation of Complaints/Grievances

1. CFCHS reserves the right to conduct its own investigation of complaints or grievances that include, but are not limited to:
 - A complaint or grievance that was not resolved by the Subcontractor to the individual's satisfaction and other reasonable options can be explored.
 - A significant ongoing threat to the health or safety of persons served, facility employees, or the public.
 - A finding of violation of statute, rule, or contract by a Subcontractor.
 - An egregious deficiency or a pattern of deficiencies in administrative, management, or contract monitoring performance.
 - A person served being detained, examined, or provided treatment unlawfully, where technical assistance has already been provided and the Subcontractor has not elicited a prompt, appropriate response.
2. When investigating a complaint or grievance, the RM or designee from other CFCHS' departments interviews (by phone or in person) the individual who filed the complaint or grievance, Subcontractor's management employee, and other individuals knowledgeable of the situation.
3. The Subcontractor shall make available for review relevant policies and procedures, clinical records, and other documents as needed.
4. A facility site visit and/or Secret Shopper call shall be conducted if necessary.
5. The RM, or designee, documents on CFCHS' Complaint/Grievance Form the investigation and findings including, but not limited to:
 - Relevant background information including names and contacts of persons involved, facilities, and CFCHS' employees who assisted in conducting the investigation.
 - Description of methods used in the investigation (interviews, facility visits, records reviews, etc.).
 - If the complaint or grievance includes alleged or suspected violations of statute, rule, Department operating procedures, Subcontractor policies or contracts, the report shall specify for each violation:
 - The act of omission that constitutes the alleged violation.

- Citation of the provision of statute, rule, the Department operational procedures, Subcontractor policies, or contract alleged to be violated.
 - Evidence considering whether the situation for the complaint/grievance occurred.
 - A statement that the allegation was 'supported' or 'not supported' by evidence (if evidence is not reasonably clear, then the allegation/complaint/grievance was not supported); and
 - If applicable, are commendations intended to address the deficiency cited in the complaint or grievance.
- Summary conclusions of the investigation; and
 - When applicable, recommendations for policy changes and/or administrative action. These may be included even if there are no violations identified.
6. If the complaint resolution is still not satisfactory after the RM's investigation and suggestions, CFCHS' Chief Executive Officer (CEO) intervenes and recommends a resolution within seven (7) business days. CFCHS documents the recommended resolution and advises the Subcontractor and the individual (if individual's contact information is available).
 7. If the Subcontractor disagrees with the recommendation made by CFCHS, the Subcontractor shall follow the CFCHS protocol for Subcontractor Dispute Resolution to be submitted to CFCHS' Board of Directors.
 8. If the complaint is not resolved after CFCHS' CEO involvement, the RM provides the complainant with the contact information for the Central Region Florida Department of Children and Families (Department) Substance Abuse and Mental Health (SAMH) Administrator. CFCHS' goal is to fully resolve and close complaints and grievances within 30 days of complaint receipt.
 9. If the complaint implicates the Subcontractor's employee or department in charge of handling and investigating the complaint, the RM will forward the complaint to the Subcontractor's CEO for investigation. The Subcontractor's CEO has seven (7) business days to investigate the issue and provide a response.

If the complaint is about the Subcontractor's CEO, the complaint is forwarded to the employee or department that handles complaints, to the Subcontractor's Compliance Officer, and to the Subcontractor's Board President. The Subcontractor's Board President is also notified of complaints about the agency's culture, ethics, and practices that negatively impact persons served, or the system of care and any issue related to FWA. The Subcontractor's Board has seven (7) business days to investigate the issue and provide CFCHS with a written response.

The above timeframes may be extended upon notification to the involved parties and mutual agreement.

Appeals

If the individual filing the complaint or grievance disagrees with all or part of the proposed resolution, the individual is advised that they have the right to appeal to the Department's SAMH

office for final disposition. The RM will provide the individual with the name and address of the Director for Central Region SAMH office for filing an appeal.

In addition, CFCHS will provide to the complainant information about other resources for advocacy and assistance such as:

Disability Rights Florida
2473 Care Dr, Suite 200, Tallahassee, FL 32308
850- 488-9071, 800- 342-0823 Toll Free, 850- 488-8640 Fax
[Disability Rights Florida](#)

Civil Rights and Auxiliary Aids Services Person Served Complaints/Grievances

1. Persons served or companions who believe that they have been discriminated against should follow the procedure outlined above to report complaint or grievances. In addition, they shall be informed of their right to file a written or oral complaint or grievance of discrimination within 180 days of the alleged discriminatory act with:

Assistant Staff Director
Florida Department of Children and Families (Department)
Human Resources – Office of Civil Rights
2415 N. Monroe Street, Suite 400
Section D
Tallahassee, FL32303
850- 487-1901; or TDD 850- 922-9220; or Fax 850- 921-8470

United States Department of Health and Human Services (HHS)
Attention: Office for Civil Rights
Atlanta Federal Center, Suite 3B70
61 Forsyth St, SW
Atlanta, GA 30303-8909
404- 562-7888; TDD/TTY 404- 331-2867; or Fax 404- 562-7881

United States Department of Agriculture (USDA)
Attention: Office of Civil Rights
Atlanta Federal Center, Suite 8T36
61 Forsyth St, SW
Atlanta, GA 30303-3427
404- 562-0532; TDD/TTY 202- 720-5964; or Fax 404- 527-4517

United States Department of Justice (USDOJ)
Office for Civil Rights – Office of Justice Programs
810 7th St, NW
Washington, DC 20531
202- 307-0690; or TDD/TTY 202- 307-2027; or Fax 202- 616-9865

United States Department of Justice (USDOJ)
Civil Rights Division– Disability Rights Section
1425 New York Ave

Washington, DC 20530
800- 514-0301; or TDD/TTY 800514-0383

2. Complaints or grievances filed with the federal agencies listed above are subject to the federal laws governing such complaints or grievances. Final determination of the validity of the complaints or grievance will be made by that agency.

Administrative Files

1. CFCHS maintains documentation on all complaints or grievances filed according to the Records Archiving and Destruction policy.
2. All information related to complaints or grievances is stored in a HIPAA compliant manner and location.

Reporting, Tracking, and Trending

1. The RM or designee ensures the timely resolution of complaints or grievances and tracks them by keeping a log of all complaints or grievances received.
2. Complaints or grievances are tracked according to the following categories:
 - Access to Care - This category addresses the Subcontractor's capacity to arrange a timely appointment for appropriate services to meet the individual's mental health or substance abuse treatment needs.
 - Treatment - This category relates to any aspect of the treatment offered by the Subcontractor. This includes any potential quality of care issues, safety issues, as well as type and frequency of services.
 - Civil Rights and Auxiliary Aids Services - This category may include complaints or grievances from individuals or companions who believe that they have been discriminated against due to race, color, religion, sex, age, national origin, disability (including Deaf or Hard-of-Hearing), political beliefs, or retaliation.
 - Other Services - This category relates to non-clinical support services and may include transportation, meals, access to communication, physical environment of facilities, employee demeanor towards individuals served, care of individual's personal belongings while in inpatient units, etc.
 - Fraud, Waste and Abuse (FWA) - According to CFCHS' FWA Prevention Protocol.
3. The RM tracks the number and type of complaints or grievances and reports this information to the CEO and CFCHS' Compliance/Quality Improvement Committee to identify trends. The report may include:
 - Number and nature of all complaints or grievances.
 - Resolution timeframe.
 - Whether the complaint received a satisfactory resolution, and if not, further steps taken.
 - Number of appeals to DCF for resolution.
 - Any trends related to Subcontractors or services.
 - Number of Subcontractor appeals to the Board of Directors to contest a decision made by CFCHS.

4. CFCHS address, on an individual basis, with each Subcontractor any trend identified in the analysis of complaints or grievances and documents the Subcontractor's response and/or corrective action plan. This analysis should facilitate change that results in better customer service and results for the people served.